

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

UNITED STATES OF AMERICA)
)
 v.) Cr. No. 3:06-CR-126-WHA
)
 JOHN JENNINGS, II)

AMENDED UNOPPOSED MOTION TO CONTINUE EVIDENTIARY HEARING

Comes now the United States of America, by and through Leura Garrett Canary, United States Attorney for the Middle District of Alabama, and respectfully requests a continuance of the evidentiary hearing in this case. In support thereof, we would show the following:

1. An evidentiary hearing was set in this case for November 30, 2006, by Order of the Court, dated November 17, 2006.
2. The case is set for trial before the Honorable W. Harold Albritton on January 8, 2007.
3. The government, based on representations of defense counsel, believes that the Court's ruling on the defendant's Motions to Suppress may be dispositive of the case.
4. The government, at the evidentiary hearing, would require the presence and testimony of the case agent, Inspector Jeff Arney of the United States Postal Inspection Service.
5. Inspector Arney has made the government aware that he is scheduled to be in Florida on a pending federal case the week of November 27, 2006, and will not return to Alabama until December 2nd or 3rd, 2006.
6. The undersigned has contacted Kevin L. Butler, attorney for defendant, who has no objection to this request.
7. The defendant will not suffer any prejudice should the Court grant this motion.

8. The government and defense respectfully request that the Court consider setting the evidentiary hearing on the 7th or 8th of December, 2006, but, in any event, to continue the hearing from the week of the 27th of November, 2006.

For the reasons stated above, the United States requests that this Honorable Court grant a continuance of the evidentiary hearing in this case, currently set for November 30, 2006, at 9:00 a.m.

Respectfully submitted this the 27th day of November, 2006.

LEURA G. CANARY
UNITED STATES ATTORNEY

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CERTIFICATE OF SERVICE

I hereby certify that on November 27, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Kevin L. Butler.

Respectfully submitted,

LEURA GARRETT CANARY
UNITED STATES ATTORNEY

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